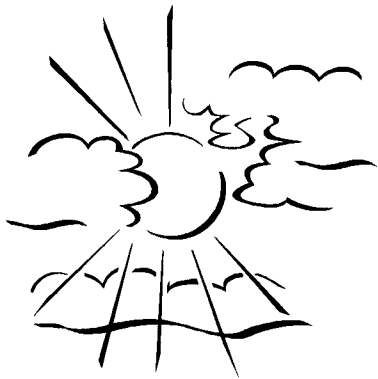


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Thursday, June 22, 2006

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HE KILLED HER, JURY SAYS: PANEL BELIEVES UNGER MUST HAVE MOVED HIS WIFE'S BODY

BY BEN SCHMITT and GINA DAMRON

FREE PRESS STAFF WRITERS

June 22, 2006

BEULAH -- Florence Unger's death was no accident.

Though that's what her husband, Mark Unger, maintained throughout his two-month-long trial, a Benzie County jury couldn't reconcile that claim with the fact that her body -- after falling 12 feet from a deck onto a concrete slab -- somehow ended up 3 feet away, on the other side of a break wall, lying in a northern Michigan lake.

On Wednesday, after four days of deliberations, the six-woman, six-man jury convicted Mark Unger, 45, of Huntington Woods of first-degree murder, a victory for the prosecution team, which had pursued him since Florence Unger's death near a resort cottage in October 2003.

Juror Lucinda McGregor, 50, said after the verdict that the rest of the panel believed Mark Unger had moved his wife from the concrete slab at the Watervale resort into Lower Herring Lake: There was no other way for her body to get there, she said.

"How else could a person have gotten into the water?" said McGregor of Thompsonville. "We strongly believe in what we came up with. Because he's guilty."

Juror David Anthony, 53, of Beulah said he agreed with McGregor that somebody must have moved Florence Unger into the water.

Jurors also were struck by evidence that there was blood on the concrete beneath the balcony, Anthony said.

Although their case was largely based on circumstantial evidence, prosecutors had argued during the trial that Unger had killed his 37-year-old wife because she had sought a divorce. Their two children -- Max, now 12, and Tyler, now 9 -- were at the cottage when their mother died.

Florence Unger's mother, Claire Stern, clutched her husband's arm, bit her lip and stared at the ceiling as she heard the word "guilty" about 3 p.m. Wednesday. Later, her hands shook and her voice trembled as she read a prepared statement to the media in front of the courthouse.

"Thank you, God. Justice is served," she said. "Today, all people with noble hearts can raise the banner of justice that our child can rest in peace, in the loving arms of God, forever."

Unger did not testify during the trial. He showed little emotion when the verdict was read and was led from the courthouse in handcuffs.

A first-degree murder conviction carries a mandatory life prison sentence without parole. Unger's lawyer Robert Harrison said he will appeal.

Mark Unger's mother, Bette Rosenthal of Islamorada, Fla., attended the trial from the beginning. She said she felt disbelief when the guilty verdict came in.

"My son is innocent; he would never hurt anyone," she said. "I think the world knows that, except for those people."

Police officers had believed that Unger snapped, thrust his wife over the deck railing and later dragged her alive, but unconscious, into the lake to drown her. Her body was found Oct. 25, 2003.

Lawyers on both sides of the nine-week trial presented more than 200 pieces of evidence and called pathologists to testify with dueling theories. Dr. Stephen Cohle of Kent County, who performed the autopsy, contended that a head injury killed Florence Unger but did not completely rule out drowning.

Oakland County Medical Examiner Dr. L.J. Dragovic, after reviewing the case, had concluded Florence Unger died of drowning and classified her death as a homicide. "Bodies do not walk into the water, and bodies do not bounce," he said when contacted in France, where he is vacationing. "There was no possibility for her to take herself into the water. She would have been injured so badly by the impact to her head that she would have been rendered instantaneously unconscious."

Assistant Attorney General Prosecutor Donna Pendergast said she thought the medical evidence warranted the first-degree murder conviction.

"Obviously, our team always thought this was a case worth fighting for," said Pendergast, a former Oakland County assistant prosecutor.

State Trooper Rick Doehring, who worked on the case, said he never doubted the existence of premeditation. He gathered with Pendergast and other police and prosecutors at a Frankfort tavern Wednesday to celebrate the verdict.

"That was a very smart jury," Doehring said. "Florence Unger was injured, and he put her in the water to cover his tracks."

Harrison, however, left the courthouse baffled. He had labeled the prosecution's case as weak, ridiculous and full of reasonable doubt.

"Only the jurors can explain why they voted to convict on a case with a defense as powerful as ours," he said. "But they did what they did, and I can only tell you that this is not the end for Mark Unger."

He said Unger was "as stunned as we were" with the verdict.

"We're just going to be with him and support him and let him know that this is not the end," said Harrison, who is planning an appeal.

Benzie County Circuit Judge James Batzer remanded Unger to the Benzie County Jail until sentencing at a later date.

Jurors agreed not to speak to the media as a group immediately after the verdict, and sheriff's deputies escorted them to their cars.

McGregor spoke later by phone, saying she feels terrible for the Unger children. "I just hope those kids can get on with their lives," she said.

Defense lawyers portrayed Florence Unger as a troubled woman who was caught up in an affair with Glenn Stark, one of her husband's friends in Huntington Woods, where they lived. They claimed Unger learned of the affair after his wife's death.

Although Florence Unger apparently kept the affair secret, she told friends she was unhappy in her marriage. Mark Unger, a former radio broadcaster, had battled drug and alcohol addictions and acquired large gambling debts.

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GUILTY

Prosecutor: 'There are no winners here' | Mom: 'Daughter's voice was heard from grave'

Mike Martindale / The Detroit News

BEULAH -- In the end, not even the prosecutor was willing to proclaim herself the winner in the murder trial of Mark Unger.

"I'm glad the jury took its time to come to their verdict," said Assistant Attorney General Donna Pendergast. "But there are no winners here. And there are two little boys who still don't have their mother."

After 26 hours of deliberation spread over four days, a Benzie Circuit Court jury Wednesday decided that prosecutors had it right: That Unger murdered his wife Florence at a northern Michigan resort in October 2003.

Unger, 45, of Huntington Woods was convicted Wednesday of first-degree murder in the death of Florence Unger, 37, who was found floating face down in Lower Herring Lake during a weekend visit to the Inn of Watervale resort, about 10 miles south of Frankfort.

"I pray no parent on Earth should go through the senseless and brutal death of a child. Our daughter's voice was heard from her untimely grave," said Claire Stern, Florence Unger's mother, outside the courtroom.

The conviction carries a mandatory sentence of life in prison with no parole. Jurors also were instructed they could consider second-degree murder, which is punishable by up to life with a chance of parole.

As the verdict was read, Unger, who has often sat during the trial smiling at nearby relatives, sat expressionless. His mother, Bette Rosenthal, bit her lip, and a sister, Connie Wolberg, buried her face in her hands, overcome by his fate.

A few feet away, Florence Unger's parents, Harold and Claire Stern, both of Huntington Woods, hugged one another. Unger's sons, Max, 12, and Tyler, 9, remain in the temporary custody of the Sterns.

Defense in disbelief

Outside the courthouse, defense attorney Robert S. Harrison said he could not comprehend how a jury could have ignored the "overwhelming evidence of Mark's innocence."

"I can't explain what may have been in the minds of the jurors," said an obviously disappointed Harrison.

Jurors left the courtroom shortly after they were discharged by Judge James Batzer. They rushed past reporters, declining interviews or to answer shouted questions.

Unger was escorted, in handcuffs, to a Sheriff's van and then to the nearby county jail.

"Mark didn't say much he was stunned," said Harrison. "I promise you there will be an appeal, and an appeal to the highest court."

Mort Meisner, a friend of Mark Unger, talked to Unger by phone shortly after the jury handed down its verdict and asked if his friend was OK.

"He said 'Yeah, I've got to be,' " Meisner said. "I asked him what the next step is, and he said 'I don't know.' "

Harrison said he and co-counsels Thomas McGuire and Matthew Klakulak were planning to visit Unger at the jail and assure him "this is not the end."

The death at a picturesque lakeside resort, and the resulting trial, which began April 26, has drawn unwanted national media attention to this sleepy village along Crystal Lake. Newspaper, radio and television reporters have been in and out of the courtroom since April. Local residents also made a stop by the trial part of their routine for the past two months. "We have never seen a trial like this before and maybe will never see one like it again" said Jackie McLaughlin, a longtime court watcher who sat through the trial with friends.

The jury of six men and six women began their deliberations at 10:45 a.m. Friday after receiving final instructions from the judge.

Testimonies reread for jury

In the first three days of deliberation, jurors debated several sticking points in the Unger case and asked that some portions of the testimony be read back to them.

That involved the initial autopsy and the recollections of the Ungers' oldest son, Max -- then 10 years old -- about being tucked into bed by his father and told, "Mom said she will be up in a little while."

During the trial, prosecutors presented a circumstantial evidence case against the former mortgage banker, heavy with testimony from friends and relatives who told of Florence Unger's fear of the dark and desire to divorce her husband because of gambling and drug addictions and lack of interest in work. Unger was living on a \$10,000-a-month disability check because of his addictions, for which he entered a rehab clinic for five months.

Prosecutors' evidence showed Unger and his wife were on a boathouse deck Oct. 24, argued over their pending divorce, and she fell -- after being punched or kicked -- and landed on her head on a concrete pad 12 feet below. Prosecutors argued that Unger then moved his wife's unconscious body to the lake, where it was found the next morning.

Prosecutors cited Unger's unusual behavior at the death scene -- lack of cooperation with deputies, packing up his SUV and attempting to leave the area -- as further proof of his guilt. Pathologists differed slightly on what actually caused the woman's death, but three agreed it was definitely a homicide because the severity of her injuries would have made it unlikely she would have even been conscious, let alone able to maneuver the remaining 3 feet to the lake.

Unger's unusual accounts

Unger's defense attorney portrayed Unger as a nonviolent man who loved his wife and wished only to keep his marriage and family together. They maintained that all of his accounts to police and friends were consistent and stressed that his actions, while perhaps unusual at times, were not out of character for a man traumatized by the sudden death of his wife. They produced impressive exhibits -- including a 10-foot-long wooden replica of the deck -- along with experts

who agreed she could have accidentally fallen over the railing and her momentum carried her over a seawall and into the lake.

But in the end, it may have come down to the 33-inch distance Florence Unger's body would have had to travel to enter the lake off of the seawall. A blood-stained area showed she laid that far from the seawall for up to 90 minutes, and all but one of four pathologists who testified opined her injuries on impact to the concrete likely rendered her unconscious and unable to move.

Several friends and relatives of the Ungers testified during the trial regarding marital problems, including Florence's lover.

Jurors also heard of how the Ungers carried lots of life insurance -- \$750,000 on her and \$1.5 million on him -- and how she felt pressed to go back to work because they apparently couldn't meet their bills on his \$10,000-a-month tax-free disability insurance.

Detroit News Staff Writer Maureen Feighan contributed to this report. You can reach Mike Martindale at (248) 647-7226 or e-mail mmartindale@detnews.com

RESIDENTS' OPINIONS MIXED ON UNGER VERDICT

Some say small-town conservatism influenced jury; others say guilty outcome was obvious

Maureen Feighan AND RoNeisha Mullen / The Detroit News

HUNTINGTON WOODS -- Nearly 250 miles southeast of the Benzie County courtroom where a jury convicted Mark Unger of first-degree murder Wednesday, residents in close-knit Huntington Woods expressed mixed emotions about the verdict but said the biggest victims are the Unger children.

Many said they weren't surprised by the verdict, following an eight-week trial that thrust tiny Huntington Woods into the national spotlight and created rifts between those who supported Mark Unger and those who supported his deceased wife's family.

"The whole trial was a lost cause," said Rachel Sherman, 19, a Huntington Woods lifeguard. "It just seemed like a matter of time before he was convicted. Everything pointed to it. There were no other suspects."

But Mort Meisner, a friend of the Ungers who talked to Mark shortly after the verdict, was surprised by the outcome.

He followed the case closely and thought it was a "stretch" to suggest the prosecution proved its case beyond a reasonable doubt.

Still, Meisner suspects an appeal will be forthcoming and said his greatest concern is for the two Unger boys, Max and Tyler. They are in the custody of their maternal grandparents and live in Huntington Woods.

"I've said to him (Mark), 'As much as I care about you and I worry about you, I'm more worried about the kids,' " Meisner said.

Richard Halprin, a criminal defense attorney who lives three blocks from the Unger house, believes the trial's location in Benzie County worked against Mark Unger.

"Given that this is a small town and drawing from a fairly conservative area, I'm not surprised that they (the jury) would follow the prosecutor's lead," Halprin said.

Florence Unger's death in October 2003 cast a spotlight on tiny Huntington Woods, population 5,900. National TV crews followed the case, which Meisner believes stems from the public's fascination with tragedy.

Retired pharmacist Alvin Tendler believes the case's sensationalism also drew national attention to it.

"There is no crime here, so something of this nature is going to make headlines," Tendler said. Meisner said the public is fascinated with tragedy. "Why do people gawk at car wrecks?" Meisner said. "People gawk. And I think they like gawking at other people's problems." Many Huntington Woods residents said Wednesday they were eager to move on. Some said the case has split the community, but hoped they could move forward for Max and Tyler's sake.

"I feel very badly for the children and for Florence's family," said Suzanne Weinberg, whose two kids attend the same school as the Unger boys. "It's just devastating. These children don't have either parent to be with them now, and what a hard job this is going to be for Florence's parents."

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CUSTODY BATTLE OVER UNGER BOYS LIKELY

Mike Martindale / The Detroit News

BEULAH -- The Mark Unger murder trial may be over in Benzie County, but a custody battle is still very much alive in Oakland County.

Unger, 45, of Huntington Woods was found guilty of first-degree murder in the Oct. 25, 2003, death of his wife, Florence, 37, at a northern Michigan lakeside resort. The couple was in the midst of a divorce at the time, and investigators believe an argument over the divorce and possible custody of their two children led to her being knocked off a 12-foot-high boathouse deck.

Now Unger will be sentenced to serve the rest of his life in prison without chance of parole, and both his and Florence Unger's families are expected to seek custody of Max, 12, and Tyler, 9. The boys are in the custody of Florence Unger's parents, Harold and Claire Stern of Huntington Woods, under a temporary court order.

When asked outside the courtroom what the future holds for her grandsons, Claire Stern responded: "That's private."

Attorney Mayer Morgenroth has been contacted by the Unger family. Morgenroth said Wednesday it would be "inappropriate" to discuss what actions may be taken. It is expected the Ungers would seek custody of the boys.

"Outside of being returned to their father's custody, there are several alternatives that could be explored," he said.

Unger has two sisters: Connie Wolberg, who lives in Huntington Woods, and Kim McWhorter, who lives in Maryland.

Oakland Prosecutor David Gorcyca said before the verdict that his office would continue a civil case against Unger to terminate his parental rights to his two sons.

Unger temporarily lost custody of his children because of his admitted gambling and drug addictions and allegations regarding his wife's death. He was allowed supervised visits with the boys.

But in May, Oakland Judge Linda Hallmark ruled Unger could not see or speak to his children until they had more counseling.

The Ungers and Sterns rarely looked at each other during the eight-week trial, and it was well known that there was little love or comforting between the families.

Following the guilty verdict Wednesday, Unger's mother, Bette Rosenthal, cried: "Those poor grandbabies ... those poor children."

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CONVICTION DOESN'T EASE FRIENDS' PAIN

Laura Berman – Detroit News
June 22, 2006

Guilty. There is beauty and cruelty in the certainty of a jury verdict.

"Closure" is the word that victims, trained by daytime talk shows and grief counselors, so often use, describing the imagined sense of peace a guilty verdict in a trial might bring. They rarely seem as convinced afterward.

The verdict is "what we have to live with," as one of Flo Unger's friends said to me.

On Wednesday afternoon, the mystery of what happened to Flo Unger -- the vivacious mother of two young boys, the Huntington Woods resident with a wide circle of friends, the pretty, well-liked wife of Mark Unger -- was solved beyond a reasonable doubt.

Her husband killed her.

A Benzie County jury delivered a verdict of guilty in the first degree, thus dooming Mark Unger to a life in prison and permitting everyone else to move on with their -- with our -- lives.

The spectators inside the courtroom, the families of the accused and the victim, the TV cameras for prime time magazine shows -- a whole world had been waiting for the verdict. Now it's a wrap that can become a movie of the week.

Case was bewildering

Her story was poignant but also bewildering. Her face and story seeped into the dreams of those who knew her and some who did not. She was the divorcing woman, eager to move on but also wracked by doubt and indecision, taking a trip up north with her estranged husband for reasons that never seemed clear.

She died in the earliest hours of Oct. 25, 2003, but how she died, exactly, we can still only surmise from the trial evidence and our own imaginations:

One of her friends said she had wished that Mark Unger would break down on the stand and confess. Or that some piece of evidence -- irrefutable, compelling -- would have erased all doubt, reasonable or not.

I once wrote that Flo Unger may not have been Everywoman, but she was perhaps every woman of a certain suburban demographic: educated, active, involved. The undertow of her violent, unexpected death is the suburbanite's anxiety: the reckoning with a primal fear. You cannot row to safety in life, no matter your income or place of residence.

For the friends and acquaintances of Florence Unger, the verdict doesn't necessarily bring the sense of relief they had longed for. Friends of hers were also friends of his; they liked him, knew him as someone who could be honorable or a terrific father.

One of Flo's friends, Carol DeAngelis, who rode horses with her up north, was surprised Wednesday by her own turbulent emotions, one of those being grief.

"We just kind of lost her all over again," she said.

"Guilty" is a word that ends a process. It gives most of us a stop point and a route to move on. But in that there is sadness, the realization that Flo Unger, the vibrant woman who once had so many friends and admirers, is finally, really gone.

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ADOPTION BILLS LEAVE HOUSE COMMITTEE

MIRS, Wednesday, June 21, 2006

The House Family and Children Services Committee moved two bills, HB 5808 and HB 5809, that would allow adoption agencies to refuse to let families adopt a kid if they don't fit the agency's moral criteria.

Those opposed to the bills say it would allow any adoption agency to prohibit gay families from adopting children. Those in favor of the bill say it allows these groups to exercise their First Amendment Rights.

"It is the belief of the Michigan Catholic Conference that faith-based adoption agencies can and should be assured their constitutional right to religious freedom, and this legislation helps to guarantee such a right is reflected in state law," said Paul **LONG**, with the Michigan Catholic Conference.

WITH HESITATION, PANEL APPROVES ADOPTION BILLS

Gongwer, June 21, 2006

With hesitation from members of both sides of the aisle on two bills before the House Family and Children Services Committee, the panel reported the bills to the full chamber as the chair said he would provide more information to members when the legislation reaches the floor.

Up for consideration were HB 5908 and HB 5909, which allow for child placing agencies to deny assistance, counsel or other participation in the adoption process of a child based on moral or religious convictions or policies. The legislation would not apply to the Department of Human Services or any other state or local unit of government in granting a contract, license or any other matter in regard to a specific child placing agency.

There was no testimony taken on the bills as the committee had previously heard testimony, however, the American Civil Liberties Union did submit information opposing the bills.

Rep. Tom Pearce (R-Rockford) said that he supported voting the bills out of committee reluctantly as he is concerned the legislation, while good intentioned, goes further than it's supposed to. And Rep. Barb Vander Veen (R-Allendale) said she agreed with Mr. Pearce that more work still needed to be done on the bills.

On the Democratic side, Rep. Dudley Spade (D-Tipton) and Rep. Brenda Clack (D-Flint) said that committee members were still lacking answers to their questions regarding whether the bills would mean a loss of federal funds or whether the scope of the bills would apply not only to adoption but also to foster care or residential placements.

"Committee work should be done in committee and not on the House floor," Mr. Spade said.

Committee Chair Rep. John Stahl (R-North Branch), sponsor of one of the bills, said that the legislation has been introduced for a while and that he believed it was fine to move on the bills, although he did say later he would get more information to members on their questions, including the impact of a similar law in North Dakota.

The bills were reported out with all Republicans in support, while Ms. Clack and Rep. LaMar Lemmons Jr. (D-Detroit) opposed them. Mr. Spade and Rep. Gino Polidori (D-Dearborn) abstained from voting.

The Michigan Catholic Conference supports the bills, with Vice President for Public Policy Paul Long saying that "faith-based adoption agencies can and should be assured their constitutional right to religious freedom, and this legislation helps to guarantee such a right is reflected in state law."

SIKKEMA LETTER ASKS FOR TRADE OFFS

MIRS, Wednesday, June 21, 2006

Senate Majority Leader Ken **SIKKEMA** (R-Wyoming) told the governor today that if she agrees to time limits for welfare recipients and a new state-sponsored group insurance pool for school employees, he would sign off on her plan to increase Merit Scholarship program rewards.

"I have a proposal that would fulfill your request for a new Merit Scholarship and identify a funding source, result in a positive reshaping of Michigan's economic future and improve prospects for many of our citizens," Sikkema wrote. This proposal requires us to put aside overt partisan differences in the weeks and months ahead to focus squarely on Michigan's future."

Gov. Jennifer **GRANHOLM** wants a new Merit Scholarship program that gives all students access to the scholarship after two years of higher education schooling, but lets high school students who test well have the scholarship after graduation. In exchange, however, she would have to agree to teacher health care pooling, which is Sikkema's issue, and Welfare reform that includes some life time limits, which is the issue House Speaker Craig **DeROCHE**'s (R-Nowi) pet issue.

During last week's radio address the governor asked the Legislature to pass her Merit Scholarship reform, which would grant the scholarship to every high school graduate who wants to continue schooling instead of only giving the scholarship to kids who do well on the Michigan Educational Assessment Program (MEAP) test, (See "Gov To Legislature: Pass My Plan," 6/16/06).

The governor's been pushing her scholarship plan for some time. Time and time again DeRoche and Sikkema have said they can't agree to the governor's proposal because it would cost too much money. However, Sikkema's devised a way to pay for it.

Passing legislation to support teacher health care pooling would save the state an estimated \$573 million in the first three years, Sikkema wrote in his letter.

"That money could go directly into the classrooms, enhancing the skill levels of thousands of Michigan students and helping to prepare them for jobs of today and tomorrow," Sikkema wrote in his letter.

It would also more than pay for the \$144 million the state would have to pay during the first five years of the governor's expanded Merit Scholarship plan, Sikkema said.

Though Sikkema didn't attach a dollar amount to the savings the state would supposedly incur if lifetime welfare limits were enacted, he did say that the savings could also go toward Merit Scholarship reform.

"You, Speaker DeRoche and I should make a commitment to accomplishing all three of these initiatives," the term-limited Majority Leader wrote. "I understand that doing so involves political risks. But it is time for all of us to take some risks for the sake of Michigan's future."

None of the three leaders is in a position to say that one of the three issues is more important than the others, Sikkema said. That being said, no one is in a position to say yes to one of the proposals and no to the others.

"The way to remove the roadblocks on all three issues is to say, 'let's do all of them,'" Sikkema said. "Then everybody really gets one of their top priorities."

Investing in higher education is something that economists have repeatedly said is critical to further the state's economic recovery, said Granholm Press Secretary Liz **BOYD**.

"We should not be holding college tuition hostage for political maneuvering," Boyd said.

When asked about Sikkema's suggestion that agreeing to welfare reform that includes life-time limits of up to four years, as the House is proposing, and teacher insurance pooling would offset the cost of the more inclusive Merit Scholarship, Boyd said:

"Quite frankly the biggest threat to the budget is the Republican leadership eliminating the business tax without a replacement," Boyd said.

Sikkema is pushing to eliminate the Single Business Tax (SBT), which brings \$1.9 billion to the state without a replacement, yet he won't agree to investing in a program that will initially be paid for with tobacco settlement money, Boyd said. Boyd said she expects future funding for the Merit Scholarship program to come from an improved economy.

But Sikkema's ready to move on all three issues.

"I can see a way to do this before the election and I think we can," Sikkema said.

DeRoche Spokesman Matt **RESCH** said the Speaker talked to Sikkema the night before the letter was sent and "was fine with what Sen. Sikkema said."

DeRoche does not plan on sending a letter. Resch said he isn't sure if the Speaker is ready to give the governor her Merit Scholarship wishes in exchange for the other two pieces outlined in Sikkema's letter.

"I'm not sure at this point," Resch said. "The Speaker gives the Senator a lot of credit to get the governor to the table on discussing some of these things. The Speaker was fine with Sen. Sikkema sending the letter and he's seeing what comes of it."

When asked if the governor would make a deal on the three issues by the election, Boyd again reiterated that Sikkema was putting politics ahead of education.

"I will not speculate on what will be accomplished legislatively this year," Boyd said. "We should not put politics before people, especially young people."

Resch wasn't sure if the three issues could be solved by election time.

Michigan Republican Party Chair Saul **ANUZIS** called the governor's special message to the Legislature, which included her desire for increased Merit Scholarship funds, a "stark contrast to her lengthy record of not supporting higher education during her time in office."

"Scholarship elimination has been a focal point of this governor. Every year that Jennifer Granholm has been in office, her budget has proposed the elimination of the tuition assistance program," Anuzis said. "Now she offers an incomplete idea to fix a program that doesn't need fixing."

DE VOS OUTLINES PLAN FOR GOVERNMENT SAVINGS, TAX CUTS

Gongwer, June 21, 2006

Hundreds of millions of dollars in unspecified government cost savings, reduced personal property taxes for businesses and tax exemptions for families with incomes of up to \$14,000 are part of the economic plan by Republican gubernatorial candidate Dick DeVos. Mr. DeVos, who outlined the plan Wednesday in interviews with metro Detroit newspapers, also includes numerous ideas he has previously outlined, such as quick repeal of the Single Business Tax, a 48-month lifetime limit for welfare cash assistance, and cuts in school health insurance costs.

Campaign aides did not have an estimated total dollar impact of the proposals – both in terms of additional spending and savings – and the newspapers said Mr. DeVos said he would likely not have details on a proposed SBT replacement and where he would pare government before the November election.

Other items in the proposal – 134 steps contained in what the campaign calls The Michigan Turnaround Plan: Version 2.0 – include merit pay for teachers, more and revised distribution of spending on higher education, devoting more funds to K-12 classrooms, tort liability for health care providers, expanded school choice and adding express lanes on some freeways.

Among the savings proposals is an early retirement plan for state employees to shed higher-paid workers, repeal of the “Cool Cities” program initiated by Governor Jennifer Granholm and elimination of the election day holiday for state workers. Mr. DeVos would also eliminate the Office of the First Gentleman.

As for other government savings, Mr. DeVos has cited such things as public audits (one showed an estimated \$55 million in fraud in a portion of the Medicaid program) and the time limit on welfare assistance.

The plan also includes a mechanism for the governor to override state bureaucracy to speed up government decisions, which DeVos campaign spokesperson John Truscott said would be used on a “common sense” basis. He said Mr. DeVos has cited as one such situation where he would have in a “nanosecond” overridden the Natural Resources Trust Fund Board policy to allow renaming a state park as a condition of a \$1 million donation by the Fred Meijer foundation.

Mr. Truscott said the full plan – amounting to 68 pages – is “very, very comprehensive” and “has a lot more detail than what the governor put out four years ago or what she put out at Mackinac Island (at the Detroit Regional Chamber’s conference). And it’s more specific than what’s been in her State of the State.”

Mr. Truscott said lack of specific estimates on some things is because of a lack of access to government data and lack of specific solutions – such as how to deal with the personal property tax – is because it is recognized as a barrier to business growth but how to ease its impact on local government “is more complicated.”

Mr. DeVos outlined the plan in appearances with the Detroit News, Detroit Free Press and Macomb Daily and the campaign will post it on its Website (www.devosforgovernor.com) on Thursday. Campaign officials will do a briefing with Capitol reporters on Friday.

Granholt campaign spokesperson Chris DeWitt continued to fault Mr. DeVos for not providing specifics. "When it comes to jobs creation, DeVos' plan has no depth, no substance, no specifics and a lot of unanswered questions. It's straight out of the Bush Republican playbook that has already hurt families in Michigan."

He said Ms. Granholt is the only candidate with a complete jobs plan that she has put into action despite dealing with a Republican Legislature.

Rich Studley, vice president of the Michigan Chamber of Commerce, which received a briefing on the plan Tuesday, said it is a "sincere effort to try and put forward a detailed and comprehensive policy agenda. The people who want to complain that the only policy alternative that Republicans have is to cut taxes are going to be disappointed."

Anticipating criticism from Democratic quarters that the plan lacks specifics, he said it contains more detail than a typical State of the State address.

And he said Mr. DeVos is using the skills he learned in business to "have clearly stated goals that are measurable and quantifiable. The problem with the Granholt administration is they say one thing and do another or start in one direction and then change course."

Mr. Studley said it is appropriate to not have specific solutions to some things, which are important to the business community, such as addressing the personal property tax that he said must provide meaningful relief while at the same time keeping the impact on local government manageable. "Right now one of most important things the DeVos campaign can do is identify issue areas that are a priority and outline in clear terms what the goals are," he said.

Mr. Truscott had no estimates for the cost of eliminating taxes on households earning less than \$14,000, but said the proposal recognizes that those below the poverty line should not pay taxes. "We're one of five states that tax people who earn under \$14,000. We don't know the numbers, but we know morally it's an unconscionable thing to do," he said.

Eliminating the tax for families making less than \$14,000 (the poverty rate for a family of three is a little over \$15,000) would have a relatively negligible impact on the state budget, analysts at the Citizens Research Council say after doing some preliminary calculations. They and analysts at the Senate Fiscal Agency note that those families are already exempt for more than \$10,000 in income, and many already have no tax liability because of exemptions and the homestead property tax credit.

Jay Wortley, senior economist for the SFA, said tax elimination at the \$14,000 level would save \$137 a year for a family of three assuming an additional \$3,500 would be protected from taxes.

In higher education, Mr. DeVos may back an overall increase in aid to universities, but would more fundamentally change the formula to “put a premium on money following the student,” Mr. Truscott said.

Michael Boulus, executive director of the Presidents Council State Universities of Michigan, reserved comment on any specifics until he could review the plan in detail, but said, “What we like to hear is that we’re part of the economic strategy in Michigan and that we need to invest more not less in higher ed.”

Mr. Boulus said the council would not get involved in whether a different formula for distributing money is appropriate, saying a per student formula would get a mixed review from the various campuses. What is important to look for, he added, is whether such a formula recognizes the mission and cost differences of the universities.

Mr. DeVos, quoted in the Detroit News story, said he will likely evolve the plan over time. “If the purpose of governor is to just execute a specific plan, then I’m not sure I want the job,” he said.

Mr. DeWitt, noting that comment, said, “Obviously by his own admission DeVos does not want to be governor.”

But Mr. Truscott said Mr. DeVos believes “the world is fluid and you have to be willing to change. A real leader is able to adapt to changes around them so we may alter the plan over time.”

Although many of the proposals are consistent with programs many Republicans have developed in recent years, the plan does not propose any new moves to privatize government services, Mr. Truscott said. Rather, he said it focuses on where consolidation and elimination of duplicate efforts make sense, such as in school services.

PHONY KATRINA VICTIM FACES 5 YEARS

Published in Lansing State Journal
June 22, 2006

The woman who pleaded guilty in May to lying about being a victim of Hurricane Katrina and accepting a home and thousands of dollars in money and gifts will be sentenced Monday.

Kim Horn, 42, faces up to five years in prison. She has been at the Ingham County Jail since her arrest in September. A sentencing scheduled for Wednesday was adjourned.

Court records showed that Horn, a Mason High School graduate, did live in Louisiana but not near any hurricane-damaged areas. Her attorney has said she left Louisiana with her young daughter to escape an abusive relationship.

HIGHFIELDS NAMES RESIDENTIAL DIRECTOR

Lansing State Journal
June 22, 2006

Brian Philson, former director of the Jackson County Youth Center, will head up residential services at Highfields Inc. when it reopens next month.

Philson, 42, is past president of the Michigan Juvenile Detention training committee. He has a bachelor's degree in social work from Spring Arbor College and a master's degree in social work from Michigan State University.

Advertisement

Highfields' program for juvenile offenders, one of 17 services the agency offers, closed Feb. 22 after state officials and Ingham County judges removed 33 boys in reaction to reports of staff mistreating youth.

After months of changes, Highfields will reopen two of the program's four residential homes July 10. Each home, located about 20 miles south of Lansing, holds 12 boys ages 12-17. Yussaf Abdullah, who directed residential programs for more than two decades, retired in May.

A ROSE OVERLOOKED

No one did what was needed for girl who died needlessly

FLINT

THE FLINT JOURNAL- FIRST EDITION- Wednesday, June 21, 2006

There can hardly be anything more horrible than the thought of 5-year-old Rose Kelly sick, filthy and wasting away in squalor with no one - allegedly least of all her parents - looking out for her. No one.

That's certainly one factor behind the loud cries for accountability from the social safety net now. Did the state fail Rose? Did the schools? The neighborhood?

In short, yes to all of the above. Longer answers begin to sound like excuses or self-protection. Genesee County Department of Human Services Director Sheryl Thompson insists she wants "to be able to tell the press: This is what happened." But she won't, invoking privacy laws that in this case inappropriately shield the state government agency from necessary public scrutiny. Neighbors say they saw Rose and her siblings - never outdoors, and glimpsed through windows dressed only in underwear in the winter - but "didn't know what was happening," as one put it. And now the Flint School District steps up to say that, yes, Rose's older sister missed a shocking amount of school, but because her attendance was improving they did not need to pursue the legal action they could have.

"We have to give the parents a chance," said Shari Gillespie, staff assistant in the district's Office of Pupil Personnel.

Still, as sad and inadequate as those responses and statements sound, it would be arrogant for any of us to assume we would do or say differently.

We all know too well that child abuse and neglect happens, and that schools and social services can't keep up. We've seen the evidence, and the human toll, in case after case. Yet we allow the safety net to remain overburdened and understaffed.

Rose's death shows us what's at stake. Her tragedy indicts the entire community - not just a school district or a state agency, which cannot grow their own funding or use unlimited resources (not to absolve them of their share of responsibility), not just a neighborhood, whose residents most likely made the same rationalizations most anyone would.

Did we fail Rose Kelly? Short answer: Yes. A longer answer should include what we plan to do about it.

FOSTER PARENTS WANT TO UNIONIZE

Organizing could help change Washington state rules and secure better benefits, supporters say.

Curt Woodward / Associated Press

OLYMPIA, Wash. -- Daniele Baxter, who has opened her home to more than 700 abused and neglected children over the past two decades, carries a business card that lists her occupation as "professional parent."

The full-time foster parent hopes to become a genuine card-carrying union member as well. She and others are trying to organize what is believed to be the nation's first union of foster parents, and hope to win the right to bargain with state government.

They want to establish higher training and education standards and create an experienced, professional corps of foster parents. They also hope to secure better compensation, including retirement benefits and perhaps medical insurance. That, in turn, could reduce the high turnover in their ranks that results in youngsters being bounced from one foster home to another, they say.

"We really are the professionals in this field," said Baxter's husband, Steve Baxter. "When you have a really hard job to do, who do you call in? You call in the union plumber, the union carpenter -- and the union foster parent."

Washington state's Children's Administration, which oversees foster care, has refused to say what it thinks about the effort to organize the state's estimated 6,000 foster parents.

Daniele Baxter said foster parents are signing up in droves. But she would not give numbers. The foster parents would be part of the Washington Federation of State Employees, an AFL-CIO affiliate that is the largest union representing Washington state government workers. "If we do it right here, I think it will set a pattern around the country," said Greg Devereux, director of the state workers union.

The National Foster Parent Association has not taken a position.

'A RIPPLE EFFECT'

Massachusetts passed legislation aimed at providing health-care coverage for all its residents and several other states are examining similar proposals. Could national health-care reforms be far behind?

By Jennifer Barrett

Newsweek , June 21, 2006

June 21, 2006 - This spring, Massachusetts became the first state to pass legislation aimed at providing health-care coverage for nearly all of its residents. But it may not be alone for long. With health-care costs soaring, and the number of uninsured or underinsured growing, the concept of universal health-care coverage has become much more appealing to many Americans. And politicians from both parties are taking note.

"I don't think this issue can continue to be shoved under the rug," says Ron Pollack, executive director of Families USA, a national nonprofit, nonpartisan group that advocates for affordable health care. "States across the country are feeling something needs to be done. The number of uninsured has grown so dramatically."

More than 15 percent of the U.S. population, or more than 45 million Americans, were without health insurance in 2004 (the most recent government estimates)—an increase of about 6 million from 2000. And in some states, the percentage is even higher: more than a quarter of Texas and New Mexico residents aren't insured, according to the Kaiser Family Foundation. Several states are examining the Massachusetts plan, which would help the vast majority of its estimated 500,000 uninsured residents gain coverage over the next three years by subsidizing the costs for low-income residents with state and federal funds. Some states' governors have already pledged to adopt similar measures. Last week, Tennessee's Democratic Gov. Phil Bredesen signed legislation intended to help cover more than 600,000 uninsured workers. Michigan Gov. Jennifer Granholm, also a Democrat, introduced a plan last month to offer affordable health insurance to her state's 1.1 million uninsured. And just a few weeks ago, Vermont's Republican Gov. James Douglas signed a bill aimed at extending health-care coverage to as many as 96 percent of the state's residents by 2010 (an estimated 62,800 Vermont residents are now uninsured).

The Massachusetts plan, which was in the works for more than two years before its passage, will require all residents over the age of 18 who can't get Medicaid to have health insurance by July 1, 2007 (they'll indicate their compliance on their tax returns). Starting the following year, those who don't get coverage will be charged a penalty fee of up to 50 percent of the amount of an "affordable" premium. What affordable means is still being determined. But a state analysis, released early this month, estimated that most low-income residents will have to spend between \$30 and \$140 a month to buy health insurance under the new mandatory coverage law (though the poorest—those making less than \$9,800—would have their entire monthly premiums paid by the state).

Massachusetts Gov. Mitt Romney, a Republican rumored to be considering a bid for the presidency in 2008 (he has said he won't make a decision until late this year), stresses that his state's plan can be achieved without imposing new taxes or borrowing money because financing would come largely from the federal government and from state funds now being used for other health-care expenses, such as reimbursing hospitals for care they provide to uninsured residents. That is another strong selling point to other states. Romney is also careful to frame

the plan as being market-based—and to distance himself from the Clintons' controversial 1993 proposal. "This is the opposite of that," says Romney. "This is entirely based on getting the free marketplace to work for all our citizens. So it's no new government money, no new government bureaucracy. But instead it relies on personal responsibility to get everyone health-care coverage."

Experts aren't sure that the plan can be replicated in its entirety in other states. For one thing, Massachusetts has fewer uninsured residents than some other states do. (Texas, for example, had more than 5.4 million uninsured residents as of 2004 and California had more than 6.5 million, according to the Kaiser Family Foundation). In addition, as Massachusetts Secretary of Health and Human Services Tim Murphy says: "You really had the stars aligning in a lot of ways to make this initiative real."

Massachusetts was at risk of losing about \$385 million in federal funds, which were up for renewal, and had to present a compelling reason to retain the money. Also, Murphy notes that having a Republican governor and a Democratic Senate president and House speaker who were all publicly committed to health-care reform lent momentum to the efforts. In addition, a couple initiatives had been proposed for the November 2006 ballot supporting health-care reforms. "We had all these issues we were dealing with and three political leaders from different parties indicating they had a real interest in moving this forward in a systemwide way," says Murphy.

Though they face different challenges, other states have strong incentives to follow Massachusetts's lead to some degree. The Institute of Medicine of the National Academies estimates that ensuring uninterrupted health coverage for all Americans could result in savings of \$65 billion to \$135 billion annually. Governor Romney estimates that his state alone was spending about \$1 billion a year providing free care for those without insurance. "There's a real sense of possibility now," says Enrique Martinez-Vidal, deputy director of AcademyHealth, a nonpartisan health-services research and policy center. "There's been a ripple effect. A number of states are trying different reforms."

Vermont's bill, like that in Massachusetts, will offer low-income residents subsidies to acquire health insurance. And several other states—including Louisiana and Maryland—have taken incremental but significant steps to deal with their uninsured. Last fall, Illinois Gov. Rod R. Blagojevich signed a broad measure aimed at providing insurance for all the state's 250,000 uninsured children by offering discounts on premiums for those who qualify.

"Having Massachusetts as a model makes it easier to adapt something like this in other states," says Ed Haislmaier of the Heritage Foundation, who has been consulting other states on created similar programs. "We can do something like that in any state in the union." Whether Massachusetts meets its goals remains to be seen. But experts, and politicians on both sides of the party lines, seem hopeful that it will meet its goals. And it's not just state lawmakers who are tracking the results. "My guess is that health care will be a high-priority issue in the 2008 elections," says Pollack.

In fact, there are already indications that, for the first time since President Bill Clinton's ambitious yet controversial health-care reform package died in Congress in 1993, the prospect of universal coverage is gaining traction on a national level. Earlier this month, a nonpartisan citizens' advisory panel, created by Congress through the 2003 Medicare Modernization Act, issued preliminary recommendations that the government guarantee a "core" health benefits package for all Americans by 2012—even if it meant raising income or payroll taxes (the specific

coverage would be determined by another independent appointed group). In September, the group's final recommendations will be sent to President Bush and to Congress, which will hold hearings on the issue. It's not clear if they will go any further than that. But Pollack seems optimistic. "Ultimately, this is a problem that requires a federal response," he says. "We're going to reach a political tipping point where political leaders simply cannot fail to address this effectively."

Until then, it's likely that more and more states will take matters into their own hands.

URL: <http://msnbc.msn.com/id/13462784/site/newsweek/>

THE INNOCENT DESERVE PROTECTION FROM METH

Editorial Rebuttal

Detroit News.com

Wednesday, June 21, 2006

Before coming to Lansing, I spent 33 years in law enforcement, where I saw the effects of the "poor man's cocaine." I have seen the toxic dumping, the physical and sexual abuse that can result and the damaging effects of meth on the body. I strongly disagree with Tim O'Brien's opinion ("New anti-drug plan continues war on rights," June 8) that meth isn't an epidemic. Children who live in or near meth labs are at great risk of being harmed from the explosive nature of the ingredients and permanent brain damage from the noxious fumes.

A child living near a meth lab is more likely to overdose, suffer from attachment disorders or behavioral problems, be malnourished, or be physically or sexually abused.

O'Brien states that our students are using meth less than they have in the past. That doesn't mean that adult use is down, nor does it mean each user is any less addicted to the most addictive substance available.

If we save a child from explosives and brain damage, we shouldn't have to stop and ask the utterly irresponsible parents who put them in this situation if it is OK if we get their child medical care.

Those producing meth are infringing on the personal freedoms of those around us. Someone's "right" to use meth should not trump someone else's right to live.

For every one pound of meth made, six pounds of toxic waste are dumped into streams, rivers, fields, backyards and sewage systems, which contaminate water resources for innocent people. This bill is about protecting our rights to live safely. As a lawmaker I will continue to fight to protect our children, our families, and our communities.

*State Rep. Rick Jones
R-Grand Ledge*

HIGH COURT MULLS HEADLEE, CHILD CUSTODY LAW CHANGES

Gongwer, Wednesday, June 21, 2006

Lawyers wishing to withdraw from a custody termination appeal would have half the time to do so under a proposed change to Supreme Court rules released this week and another proposed amendment would change the required documentation to prove or defend a violation of the Headlee Amendment.

The first change would reduce the time a lawyer has to file a motion to withdraw as counsel in an appeal from an order terminating parental rights to 26 days from 58 days.

The amendment, suggested by the Court of Appeals, would align the motion to withdraw with other time limits applied to those cases.

Motions to withdraw from other types of cases would not be affected.

The other proposed changes would establish special pleading requirements in actions alleging a violation of the Headlee Amendment, requiring that a complaint or answer to a complaint state the factual basis for the alleged violation or defense of the violation.

The amendments would also require that supporting documentation be attached as an exhibit in pleading the case.

COURT: YOUTHS WITH MULTIPLE CRIMES ELIGIBLE FOR LIGHTER SENTENCING

Gongwer, June 21, 2006

A person between the ages of 17 and 21 years old who is convicted of more than one crime could be eligible for sentencing under the Youthful Trainee Act, which erases the criminal record after a period of time to encourage rehabilitation, the Court of Appeals said in an opinion released on Wednesday.

The decision came after James Giovannini (*People v. Giovanni*, COA docket No. 261017) appealed the opinion of a lower court that his two home invasion crimes were not eligible for sentencing under the act because the law only applies to youths who face a single conviction.

That judge “reluctantly” agreed with the prosecutor’s opinion that since the law refers to “a criminal offense” and not criminal offenses, Mr. Giovannini was not eligible for sentencing as a youthful trainee.

In a per curium decision to remand the case for resentencing, appellate Judges Jessica Cooper, Janet Neff and Stephen Borrello said that using the plural “crimes” would have made the language cumbersome.

They said the trial court erred in not allowing Mr. Giovannini’s request for sentencing under the act, because the Supreme Court has ruled that the “YTA is a remedial statute and should be construed liberally for the advancement of the remedy.”

17-YEAR OLD WITH TWO CONVICTIONS CAN BE TRIED AS YOUTH

MIRS, Wednesday, June 21, 2006

The Michigan Court of Appeals today held that a 17-year-old defendant wasn't necessarily barred from being tried under the Michigan Youthful Trainee Act, just because he was convicted of two separate offenses.

That finding came in the case of *People v James John GIOVANNINI* (No. 26107). Giovannini was involved in a series of home invasions, culminating in a second-degree home invasion charge against him for an Aug. 19, 2003, incident.

Giovannini was also separately charged with second-degree home invasion for an incident that occurred on Aug. 14, 2003. Giovannini sought to plead guilty in both matters and requested that he be tried under the Youthful Trainee Act (YTA). The prosecutor objected, arguing that the defendant was ineligible for the YTA due the fact that his case involved more than one offense and that the YTA language all referred to offenses in the singular.

The lower court agreed with the prosecutor and the defendant appealed.

"Although the trial court indicated that it would grant YTA status to [the] defendant if permitted by law, the trial court erroneously concluded that it was not permitted to do so," wrote Appellate Judge Jessica **COPPER** in a decision joined in by appellate judges Janet **NEFF** and Stephen **BORRELLO**.

The case was remanded for further action by the trial court in light of the Court of Appeals decision.

MOM FINDS A WAY TO HOLD ON TO LOST BABY

Bear stuffed with girl's ashes a comfort for trial

BY JACK KRESNAK

FREE PRESS STAFF WRITER

June 22, 2006

Wherever she goes -- to a restaurant, to visit family and friends, or to court where her husband faces a murder trial in August -- Lori Lemons takes her dead daughter with her.

NaKita Faith Lemons was 2 1/2 months old when her father, Milton Lee Lemons, 32, allegedly shook her violently while watching her in the couple's apartment in Wayne on Oct. 10.

NaKita died the next day, and Lori Lemons knew right away that she didn't want to visit a grave. She wanted her daughter cremated so she could keep her ashes at home.

But while surfing the Web for a suitable urn, Lemons came across www.huggableurns.com, a site for a California company that sells urns shaped like teddy bears.

"I thought it was perfect," Lemons, 27, said this week. "Now I have something to be able to hold on to. She can join me in parties. I can dress her up for the holidays. It's as soft as a baby, almost."

Lemons chose a 14-inch-tall, plush white teddy bear from Huggable Urns. With a zipper in the back and a sturdy, plastic-lined velvet pouch inside, it is designed to hold the ashes of a loved one or cherished pet.

"My son has taken naps with her, and I dress her up for the holidays like she's still part of the family -- she's just in a bear form," Lemons said.

Huggable Urns is just one of many new ideas being marketed as ways to preserve, display or even make use of a cremated loved one's ashes. Ashes are being incorporated into jewelry, duck decoys, shotgun shells, fireworks -- even Michael Jordan-model basketballs.

Putting ashes into teddy bears that can be hugged or carried around is the brainchild of Alexandra Lachini, 53, of Redding, Calif. But she credits her father, John Romero, who died in 1998, with coming up with the idea -- post mortem.

"My dad was not a spiritual guy," Lachini said this week. "When he passed, he started talking to me. 'Get me out of the closet' -- that's what he said. I'm serious."

She went to her mother's home in Pollock Pines near Lake Tahoe and said, "Mom, where's Dad? She made this funny look and said, 'He's in the closet.' I said, 'Well, he doesn't want to be there.' "

Lachini said she took her father's ashes home, and "he started ... talking to me about the energy of the ashes and how important it was to keep them and hold them."

She said her father told her he wanted to go places with her, so she put his ashes in a nylon purse. Later, he suggested a teddy bear.

"My dad guided me to this company, Plush Creations in San Mateo, in the same building where my dad used to play bridge," Lachini said.

With her design ideas, the company helped create the bears, which come in a standard size and can be personalized in various ways, including with angel wings with rose petals on them and a halo.

The bear holding NaKita Lemons' ashes currently is outfitted in a pink dress her mother bought for Easter.

"I've taken her to restaurants, out to dinner, over to family members' houses," Lori Lemons said. "Actually, the majority of the people I come across say, 'Oh, that is so cool. That is just perfect. I would've never thought of that.' "

Lemons took the bear with her to the preliminary examination for her husband and plans to take it to his jury trial on a first-degree murder charge, scheduled to begin Aug. 2. Lemons also brought it with her to court when a referee recommended that Milton Lemons' parental rights to the couple's other child, 2-year-old Milton Jr., be terminated. A judge agreed.

Milton Lemons told police he was angry and depressed when he shook his daughter to get her to stop crying. Detectives said he demonstrated using a stuffed animal.

"He's seen the bear," Lori Lemons said of her husband, whom she plans to divorce, though she is not sure he realizes his daughter's ashes are inside it. "I honestly don't know if he understands."

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DETROIT: TEEN ARRESTED IN SHOOTINGS AWAITS DECISION ON CHARGE

**Detroit Free Press
June 22, 2006**

A 16-year-old Detroit boy arrested in connection with the shootings of two girls on an east-side street Monday evening is being held in the Wayne County Juvenile Detention Facility, pending a decision whether to charge him and if so, as an adult or a juvenile.

The boy, who has a record of disturbing the peace and home invasion, is being held without bond under a provision of the state juvenile code that allows for detaining juveniles charged with serious felonies for five days while prosecutors decide whether to proceed with adult charges.

The boy was arrested by Detroit police Tuesday morning, several hours after a 17-year-old girl and an 8-year-old girl were shot while walking on Chelsea near Conner by someone using an assault rifle.

The younger girl has been released from St. John Hospital. The older girl has been upgraded to good condition, officials said Wednesday.